

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-CR-80063-DMM

UNITED STATES OF AMERICA )  
 )  
v. )  
 )  
MICHAEL DOLCE, )  
 )  
Defendant. )  
\_\_\_\_\_ )

## **GOVERNMENT'S RESPONSE TO THE STANDING DISCOVERY ORDER**

The United States hereby files this response to the Standing Discovery Order. This response also complies with Local Rule 88.10 and Federal Rule of Criminal Procedure 16.

- A.
1. The government is unaware of any written or recorded statements made by the defendant.
  2. The government is aware of relevant oral statements made by the defendant before arrest in response to interrogation by any person then known to the defendant to be a government agent that the government intends to use at trial, which are attached to this exhibit in the form of FBI 302 reports and audio recordings.
  3. No defendant testified before the Grand Jury.
  4. The defendant's prior criminal record is attached.
  5. Books, papers, documents, data, photographs, tangible objects, buildings or places, within the government's possession, custody or control, which are material to the preparation of the defendant's defense, or which the government intends to use as evidence at trial to prove its case in chief, or which were obtained from or belong to the defendant, may be inspected at a mutually convenient time at: the Office of the United States Attorney, 500 A. Australian Ave., West Palm Beach, Florida, Suite 400. Please call the undersigned within 48 hours if you intent to review the evidence to set up a date and time that is convenient to both parties.

The attachments to this discovery response are not necessarily copies of all the books, papers, documents, data, etc., that the government may intend to introduce at trial. In addition, the government possesses the following devices that are currently undergoing review through a Court-authorized filter protocol, and upon being made available to the government trial-team will be made available to the defendant for inspection including the following devices:

- a. One (1) "SP" 2 TB Hard Drive;
  - b. One (1) Apple iPad, Model Number 2270, serial number: H98FCFGRQ1GG;
  - c. One (1) green Apple iPhone;
  - d. One (1) Samsung Laptop, model number: NP750TDA, serial number: KPQZ99YTA00220N;
  - e. One (1) Titanium Micro hard drive;
  - f. One (1) PNY 32 GB thumb drive;
  - g. One (1) Western Digital hard drive, serial number: WXE507413058;
  - h. One (1) Western Digital, My Passport Ultra hard drive;
  - i. One (1) Toshiba Hard Drive, serial number: 7116S00LSMC4;
  - j. One (1) Black and silver thumb drive, with paper tag; and
  - k. One (1) ThinkPad X1 Laptop, serial number: R9-0VGAC619/06
6. There were no physical or mental examinations or scientific tests or experiments made in connection with this case.
- B. DEMAND FOR RECIPROCAL DISCOVERY: Pursuant to the Standing Discovery Order, the United States requests the disclosure and production of materials listed in Section (b) of Local Rule 88.10. This request is also made pursuant to Rule 16(b) of the Federal Rules of Criminal Procedure.
- C. The government will disclose any information or material which may be favorable on the issues of guilt or punishment within the scope of Brady v. Maryland, 373 U.S. 83 (1963), and United States v. Agurs, 427 U.S. 97 (1976).
- D. The government will disclose any payments, promises of immunity, leniency, preferential treatment, or other inducements made to prospective government witnesses, within the scope of Giglio v. United States, 405 U.S. 150 (1972), or Napue v. Illinois, 360 U.S. 264 (1959).
- E. The government will disclose any prior convictions of any alleged co-conspirator, accomplice or informant who will testify for the government at trial.

- F. No defendant was identified in a lineup, show up, photo array or similar identification proceedings.
- G. The government has advised its agents and officers involved in this case to preserve all rough notes.
- H. The government will timely advise the defendant of its intent, if any, to introduce at trial extrinsic act evidence pursuant to F.R.E. 404(b). Pursuant to Local Rule 88.10, the notice will be provided regardless of whether the evidence may be used in the case-in-chief, for impeachment or possible rebuttal, and will include the general nature of the evidence.  
  
You are hereby on notice that all evidence made available to you for inspection, as well as all statements disclosed herein or in any future discovery letter or correspondence, may be offered in the trial of this cause, under F.R.E. 404(b) or otherwise (including the inextricably-intertwined doctrine).
- I. The defendant is not an aggrieved person, as defined in Title 18, United States Code, Section 2510(11), of any relevant electronic surveillance that was authorized pursuant to 18 U.S.C. §2516 and 18 U.S.C §2518 and that has been unsealed in accordance with 18 U.S.C §2518.
- J. The government has ordered transcribed the Grand Jury testimony of all witnesses who will testify for the government at the trial of this cause.
- K. The contraband is involved in this indictment is the child pornography recovered from the devices listed above in section A.5 and pursuant to the investigation in this case.
- L. The government does not know of any automobile, vessel, or aircraft allegedly used in the commission of this offense that is in the government's possession.
- M. The government is not aware of any latent fingerprints or palm prints which have been identified by a government expert as those of the defendant.
- N. The government will make every possible effort in good faith to stipulate to all facts or points of law the truth and existence of which is not contested and the early resolution of which will expedite trial. These stipulations will be discussed at the discovery conference.

The government is aware of its continuing duty to disclose such newly discovered additional information required by the Standing Discovery Order, Rule 16(c) of the Federal Rules of Criminal Procedure, Brady, Giglio, Napue, and the obligation to assure a fair trial.

The attachments to this response are contained on an encrypted flash drive being mailed to defense counsel on the day of this filing and includes the following items:

1. One (1) .PDF file entitled, “US v. Dolce, 23CR80063-DMM, RSDO1, Bates Numbers 0001-0728” containing 728 numbered pages;
2. The following folders:
  - a. “Interviews” containing seven (7) .WAV audio files;
  - b. “Peer-2-Peer BT logs” including six hundred eighty (680) sub-folders containing two thousand, three hundred eighty-eight (2,388) files amounting to approximately 5.89 gigabytes of data of peer-2-peer client logs;
  - c. “Verizon Ping Data” containing four (4) .xlsm files;
  - d. “Verizon Return – December 2023” containing fifteen (15) .csv files and 13 .txt files; and
  - e. “Verizon Return – October 2023” containing one (1) .zip file 3,592kb in size, five (5) .pdf files, twelve (12) .csv files, and three (3) .txt files.

Please contact the undersigned Assistant United States Attorney if any pages are missing.

Respectfully submitted,

MARKENZY LAPOINTE  
UNITED STATES ATTORNEY

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on April 21, 2023, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record on the attached Service List in the manner specified.

s/Gregory Schiller  
Gregory Schiller  
Assistant United States Attorney

**SERVICE LIST**

United States v. Michael Dolce  
Case No. 23-CR-80063-DMM  
United States District Court  
Southern District of Florida

<b>Party</b>	<b>Counsel</b>
Plaintiff: United States	Gregory Schiller Assistant United States Attorney 500 S. Australian Ave., Suite 400 West Palm Beach, FL 33401 Email: gregory.schiller@usdoj.gov <b>via Notice of Electronic Filing generated by CM/ECF</b>
Defendant: Michael Dolce	Leonard Feuer Leonard Feuer, P.A. 500 S. Australian Avenue, Suite 500 West Palm Beach, FL 33401 Email: lfeuer@feuerlawfirm.com <b>via Notice of Electronic Filing generated by CM/ECF</b>